

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ESTATE OF TYRESE WEST,
*By Monique West as Special Administrator and
Dwight Person as Co-Administrator,*

Plaintiff,

Case No. 19-cv-1843-bhl

v.

ERIC GIESE, et al.,

Defendants.

**ORDER DENYING MOTION FOR ORDER TO SHOW CAUSE
AGAINST NON-PARTY ATTORNEYS**

On November 10, 2021, Plaintiff filed a motion requesting the Court to enter an order to show cause against two non-party attorneys for their failure to comply with a subpoena purportedly served on or about September 20, 2021. ECF No. 47 at 1. The Court DENIES the motion. Subpoenas must be personally served. Fed. R. Civ. P. 45(b). Plaintiff's motion states that the subpoena was delivered by mail. ECF No. 47 at 2. Moreover, Plaintiff's proper recourse would be a motion for contempt rather than a motion for an order to show cause. *See* Fed. R. Civ. P. 45(g).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Order to Show Cause Against Non-Party Attorneys, ECF No. 47, is **DENIED**.

Dated at Milwaukee, Wisconsin on January 4, 2022.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge